

2009 Form 5500-EZ Supplemental Guide

A one-participant plan may not file a Form 5500 for the 2009 plan year. Every one-participant plan that is required to file a 2009 annual return must file either:

1. Form 5500-EZ (paper) with the IRS or
2. Form 5500-SF (electronically) with EFAST2.

The 2009 Form 5500-EZ cannot be filed electronically through EFAST. Filers may:

1. complete and print the fillable [2009 Form 5500-EZ](#),
2. print the 2009 Form 5500-EZ and fill out the return, or
3. order the 2009 Form 5500-EZ by calling (800) 829-3676 and fill out the return.

This Supplemental Guide will assist you in completing the 2009 Form 5500-EZ. It is not intended to replace the [Instructions to Form 5500-EZ](#).

Who must file Form 5500-EZ?

You must file Form 5500-EZ for a retirement plan if:

1. The plan is a one-participant plan that is required to file an annual return and you are not eligible or choose not to file the annual return electronically on Form 5500-SF, or
2. The plan is a foreign plan that is required to file an annual return.

See the Form 5500-SF instructions to determine if you are eligible to file Form 5500-SF.

A one-participant plan means a retirement plan (that is, a defined benefit pension plan or a defined contribution profit-sharing or money purchase pension plan), other than an Employee Stock Ownership Plan (ESOP), which:

- a. covers only you (or you and your spouse) and you (or you and your spouse) own the entire business (which may be incorporated or unincorporated); or
- b. covers only one or more partners (or partners and their spouses) in a business partnership; and
- c. does not provide benefits for anyone except you (or you and your spouse) or one or more partners (or partners and their spouses).

A one-participant plan must file an annual return unless the plan meets the conditions for not filing under *Who May Not Have to File* below.

A foreign plan means a pension plan that is maintained outside the United States primarily for nonresident aliens.

A foreign plan is required to file an annual return if the employer who maintains the plan is:

- a domestic employer, or
- a foreign employer with income derived from sources within the United States (including foreign subsidiaries of domestic employers) if contributions to the plan are deducted on its U.S. income tax return.

Do not file an annual return for a plan that is a qualified foreign plan within the meaning of section 404A (e) that does not qualify for the treatment provided in section 402(d).

If you are not filing for a one-participant plan or a foreign plan, electronically file Form 5500 or, if eligible, Form 5500-SF.

Who may not have to file?

You do not have to file an annual return for the 2009 plan year for a one-participant plan if the total of the plan's assets and the assets of all other one-participant plans maintained by the employer at the end of the 2009 plan year does not exceed \$250,000, unless 2009 is the final plan year of the plan. For more information on final plan years, see *Final Return* on page 3 of the Form 5500-EZ Instructions.

Welfare and Fringe Benefit Plans must file on Form 5500 or, if eligible, Form 5500-SF and cannot use Form 5500-EZ. (See [Form 5500 Instructions](#) and [Form 5500 SF Instructions](#) under *Who Must File* for when it is required.)

When to file?

The normal return due date is the last day of the seventh month after the end of the plan year but if the date falls on a Saturday, Sunday or Federal Holiday, the due date is the next day that is not a Saturday, Sunday or Federal Holiday.

Example: If the plan year is January 1, 2009 – December 31, 2009, the due date is July 31, 2010 (because July 31 falls on a Saturday in 2010, the due date is extended to Monday, August 2, 2010).

The due date for a short plan year is the last day of the seventh month after the end of the plan year, but if the date falls on a Saturday, Sunday or Federal Holiday, the due date is the next day that is not a Saturday, Sunday or Federal Holiday.

Example: If the plan year is January 1, 2009 – March 31, 2009, the due date is October 31, 2009 (because the due date October 31, 2009 falls on a Sunday, the due date is extended to Monday, November 1, 2009.).

Extension of time to file – See page 3 of the [Instructions to Form 5500-EZ](#).

Where to file?

File the Form 5500-EZ at:
Department of the Treasury
Internal Revenue Service
Ogden, UT 84201-0020

Line-by-Line Instructions

Refer Form 5500-EZ questions to the IRS at (877) 829-5500, not to the DOL. DOL does not have jurisdiction over one-participant plans.

Part I:

Line A - Only check a box if it applies. *If none applies, then leave blank.*

Line B – Check this box if a Form 5558 was filed or if the plan sponsor is using the federal income tax extension. *A copy of the extension does not need to be attached to the Form 5500-EZ when filed.*

Line C - If this plan is not a foreign plan as defined in the instructions, then do not check the box.

Part II:

Line 1a - Enter the actual plan name.

Line 1b - Enter the three-digit plan number. Pension plans start with 001. Once a plan number is used for a plan, it must be used as the plan number for all future return filings for the plan, and this number may not be used for any other plan even after the plan is terminated. Never reuse a terminated plan number.

Line 1c - Enter the original effective date of plan, not an amended effective date.

Line 2b - Enter the EIN used for federal tax purposes, not the trust identification number. Do not enter your Social Security Number.

Note: If a Form 5500-EZ filer does not have an EIN for federal tax purposes, the filer should obtain one as soon as possible. See page 4 the 2009 Form 5500-EZ Instructions for additional information on how to obtain an EIN.

Line 2d - Enter the appropriate business code from the Form 5500-EZ instructions. If retired, use the code closest to the activity when employed.

Note: Business/Principal Industry Code 813000 should be used for tax-exempt entities and 921000 for government entities.

Line 3a - Enter the information for the plan administrator. If the employer is the administrator, enter “same.”

Note: A plan sponsor's employee who performs administrative functions is not a plan administrator unless the plan document specifically names the employee. If the employee is named in the plan document, he or she must apply for an identification number using Form SS-4.

Line 4 – An example of a change requiring an entry on line 4 is where a sole proprietorship is incorporated and the corporation adopts the retirement plan formerly sponsored by the sole proprietor.

Note: If one plan is merged into another plan, line 4 is not completed. If a plan merges with another plan, a final return is filed for the non-surviving plan.

Line 5b - If the plan has terminated and all assets have been distributed, the number of participants at the end of the year should be zero.

Part III:

Line 6a - "Total plan assets" include rollovers and transfers received from other plans, unrealized gains and losses such as appreciation/depreciation in assets. It also includes specific assets held by the plan at any time during the plan year (for example, partnership/joint venture interests, employer real property, real estate (other than employer real property), employer securities, loans (participants and non-participant loans), and tangible personal property).

Report plan assets at fair market value, not at cost. If the plan has terminated and all assets have been distributed, the assets at the end of the year should be zero.

Plan assets at the beginning should be the same as assets reported at the end of the year on the return for the preceding plan year.

Line 6b - Liabilities include, but are not limited to, benefit claims payable, operating payables, acquisition indebtedness, and other liabilities. Do not include the value of future distributions that will be made to participants.

Most plans will not have liabilities. This line item should be left blank in these cases.

Line 6c - 6a – 6b must equal 6c.

Line 7a & b - Enter total cash contributions received by the plan from the employer and participants during the plan year.

Line 7c - Enter amount of all other contributions made to the plan.

Part IV:

Line 8 - Enter all the codes that apply from the list beginning on page 6 of the instructions.

- Codes 1A -1I are only to be used for defined benefit plans.
- Codes 2A – 2T are only to be used for defined contribution plans.
- Only enter codes 3A – 3J, if they are applicable.

At least one code must be entered from the codes beginning with 1 or 2.

Part V:

Line 9 – Answer “no” if the plan does not provide for loans.

Line 10 – Answer “no” if the plan is not a defined benefit plan.

Line 11 – Answer “no” if the plan is not a defined contribution plan subject to minimum funding requirements of Code §412.

Signature - The plan administrator or employer (owner) must sign and date paper Form 5500-EZ for the 2009 filing.